

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BRINTLEY,

Defendant.

Case No. 07-20511

Hon. Lawrence P. Zatkoff

Mag. Virginia M. Morgan

ORDER

This matter comes before the Court on Defendant's motion for disclosure of *Brady* materials [dkt 17], motion for disclosure of all statements attributable to Defendant [dkt 19], and motion for notice from the government regarding 404(b) evidence [dkt 20]. The government has responded to the first motion but has not yet responded to the latter motions.

Under the Federal Rules of Criminal Procedure, "[a] party must serve a written motion . . . at least 5 days before the hearing date, unless a rule or court order sets a different period." Fed. R. Crim. P. 47(c). The local rules for the United States District Court for the Eastern District of Michigan indicate that "pretrial motions shall be filed within the time specified in the standing order of discovery and inspection and fixing motion cut-off date in criminal cases unless modified by order of the District Judge." E.D. Mich. L.R. 12.1(b). The standing order to which the rule refers provides that "[a]ny pretrial motion shall be filed within twenty (20) days of the date of arraignment of the defendant involved." In this matter, Defendant was arraigned on July 2, 2008. The first of Defendant's motions was filed on August 1, 2008, and the latter two motions were filed on August 26, 2008. Defendant's motions were filed outside the time period provided for in the Court's standing order of discovery and inspection and fixing motion cut-off date in criminal cases.

Therefore,

IT IS HEREBY ORDERED that Defendant's motion for disclosure of *Brady* materials, motion for disclosure of all statements attributable to Defendant, and motion for notice from the government regarding 404(b) evidence are DENIED as untimely.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 5, 2008.

s/Marie E. Verlinde
Case Manager
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